

**QUINN EMANUEL URQUHART & SULLIVAN LLP**

Susheel Kirpalani (admitted *pro hac vice*)  
Deborah J. Newman (admitted *pro hac vice*)  
Robert S. Loigman (admitted *pro hac vice*)  
Benjamin I. Finestone (admitted *pro hac vice*)  
Calli Ray (admitted *pro hac vice*)  
Alexandre J. Tschumi (admitted *pro hac vice*)  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000

**SIDLEY AUSTIN LLP**

Paige Holden Montgomery  
Juliana L. Hoffman  
2021 McKinney Avenue  
Suite 2000  
Dallas, Texas 75201  
Telephone: (214) 981-3300

*Co-Counsel for Marc S. Kirschner, as Litigation  
Trustee of the Highland Litigation Sub-Trust*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>  
  
Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj11

MARC S. KIRSCHNER, AS LITIGATION  
TRUSTEE OF THE LITIGATION SUB-TRUST,  
  
Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA;  
SCOTT ELLINGTON; ISAAC LEVENTON;  
GRANT JAMES SCOTT III; STRAND  
ADVISORS, INC.; NEXPOINT ADVISORS,  
L.P.; HIGHLAND CAPITAL MANAGEMENT  
FUND ADVISORS, L.P.; DUGABOY  
INVESTMENT TRUST AND NANCY  
DONDERO, AS TRUSTEE OF DUGABOY  
INVESTMENT TRUST; GET GOOD TRUST  
AND GRANT JAMES SCOTT III, AS  
TRUSTEE OF GET GOOD TRUST; HUNTER  
MOUNTAIN INVESTMENT TRUST; MARK &  
PAMELA OKADA FAMILY TRUST –  
EXEMPT TRUST #1 AND LAWRENCE  
TONOMURA AS TRUSTEE OF MARK &  
PAMELA OKADA FAMILY TRUST –  
EXEMPT TRUST #1; MARK & PAMELA

Adv. Pro. No. 21-03076-sgj

---

<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD.,

Defendants.

**SUMMONS SERVICE EXECUTED**

I hereby certify that on May 27, 2022, the undersigned sent a copy of the summons, together with the amended complaint filed in this proceeding and civil cover sheet, to First Legal Investigations, whom coordinated with the Cayman Islands Central Authority to effectuate service of process on Defendant SAS Asset Recovery, Ltd. pursuant to the Hague Service Convention, as reflected in the affidavit of service attached hereto as Exhibit A.

/s/ Chandler M. Rognes

Counsel for the Litigation Trustee

# **Exhibit A**



Clerk of Court's Office  
P.O. Box 495  
George Town  
Grand Cayman  
Cayman Islands  
B.W.I.

46  
OUR REF: F.P. 0075 OF 2022

### AFFIDAVIT OF SERVICE

I, Richard Harford of George Town, Grand Cayman, Cayman Islands affirm and swear as follows:

1. I am the Chief Bailiff of the Grand Court of the Cayman Islands.
2. That on MONDAY the 29<sup>th</sup> day of AUGUST 2022, 1050 hours I served the attached documents:-

SEE LIST/AS ATTACHED

---

---

---

3. That service was made on the registered company for SAS Asset Recovery LTD
4. At Carey Olsen Services Cayman Limited, Cricket Square , George Town
5. Service was made by handing the said documents to LAURA WALLACE
6. The above statements made by me are true and correct.



RICHARD HARFORD, CHIEF BAILIFF OF THE GRAND COURT

Sworn to before me on Monday 29<sup>th</sup> day of August 2022

NOTARY PUBLIC, GEORGE TOWN  
GRAND CAYMAN, CAYMAN ISLANDS

# CERTIFICATE ATTESTATION

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,  
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

- ☐ 1. that the document has been served\*  
que la demande a été exécutée\*

– the (date) / le (date):	MONDAY 29 <sup>th</sup> AUGUST 2022
– at (place, street, number): à (localité, rue, numéro):	CAREY OLSEN SERVICES CAYMAN LIMITED CRICKET SQUARE, GEORGE TOWN

– in one of the following methods authorised by Article 5: dans une des formes suivantes prévues à l'article 5:	
<input checked="" type="checkbox"/> a)	In accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention* selon les formes légales (article 5, alinéa premier, lettre a)*
<input type="checkbox"/> b)	In accordance with the following particular method*: selon la forme particulière suivante*: _____
<input checked="" type="checkbox"/> c)	by delivery to the addressee, if he accepts it voluntarily* par remise simple*

The documents referred to in the request have been delivered to:  
Les documents mentionnés dans la demande ont été remis à :

Identity and description of person: Identité et qualité de la personne :	LAURA WALLACE
Relationship to the addressee (family, business or other): Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	RECEPTIONIST

- ☐ 2. that the document has not been served, by reason of the following facts\*:  
que la demande n'a pas été exécutée, en raison des faits suivants\*:

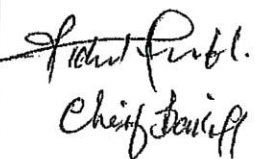

_____
-------

- ☒ In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.  
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint\*.

## Annexes / Annexes

Documents returned: Pièces renvoyées :	Duplicate copy of document served
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution :	Affidavit of Service and Certificate of Attestation

\* If appropriate / s'il y a lieu

Done at / Fait à <u>George Town, Grand Cayman</u> The / le <u>Monday 29th August 2022</u>	Signature and/or stamp Signature et / ou cachet   
--	---

**REQUEST  
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL**

**Our Ref: FP0076 of 2022**

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or  
Commercial Matters, signed at The Hague, the 15th of November 1965.

**Identity and address of the applicant**

Paige Holden Montgomery, Esq.  
Authorized to act as Applicant  
Sidley Austin LLP  
2021 McKinney Ave., Suite 2000  
Dallas, TX 75201 USA

**Address of receiving authority**

Judicial Administration  
P.O. Box 495  
61 Edward Street, George Town  
Grand Cayman KY1-1106  
Cayman Islands

The undersigned applicant has the honour to transmit - in duplicate - the documents listed below and, in conformity with Article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e., (identity and address):

**SAS ASSET RECOVERY, LTD.**  
c/o Services Cayman Limited  
P.O. Box 10008, Willow House  
Cricket Square, Grand Cayman KY1-1001  
Cayman Islands

- ☒ a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention\*.
- ☐ b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of Article 5)\*:
- ☐ c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)\*.

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes\* - with a certificate as provided on the reverse side.

Service is requested pursuant to Federal Rules of Civil Procedure, Rule 4, and the Hague Service Convention

**List of documents:**

Summons in an Adversary Proceeding; Notice to Litigants; Adversary Proceeding Cover Sheet; Amended Complaint and Objection to Claims

Done at Dallas, Texas, USA, on the 15th day of June, 2022.

Paige H. Montgomery  
Signature

\* Delete if inappropriate.

Received by: LAURA WALLACE ~~Amatta~~

Date: 29 August 2022

Time: 9:30am

**CO Services Cayman Limited**

Receptionist